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Holly Ye-Healy, Sky Corporation Limited, and
RKD Premium Products, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

CARSON SMITH, an individual, and
SMITHONLY CORPORATION,

Plaintiffs,

v.

DENNIS M. HEALY, HOLLY HEALY as
individuals, SKY CORPORATION, LTD.,
an incorporated business entity, RKD
PREMIUM PRODUCTS, INC, an Oregon
corporation, KENNETH TANG an
individual, and K'S PRODUCTS
COMPANY, an incorporated business entity,

Defendants.

Civil No.: 10-CV-72-BR

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Oral Argument Requested

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7-1(a), counsel for Defendants Dennis M. Healy, Holly Ye-Healy,

Sky Corporation Limited, and RKD Premium Products, Inc. (collectively "the Moving

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Defendants”) certify that they made a good faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so.

MOTION

Pursuant to Fed. R. Civ. P. 56(b), the Moving Defendants move for summary judgment against the following claims:

1. Plaintiffs’ First Claim for Relief (Breach of Implied-in-Fact Contract);
2. Plaintiffs’ Second Claim for Relief (Violation of Oregon’s Uniform Trade Secrets Act);
3. Plaintiffs’ Third Claim for Relief (Breach of Fiduciary Duty); and
4. Plaintiffs’ Fourth Claim for Relief (Permanent Injunction).

Further, the Moving Defendants seek a judgment for their attorney fees and costs pursuant to O.R.S. § 20.105 and § 646.638(3) because Plaintiffs’ claims are objectively unreasonable.

This Motion is supported by the accompanying Memorandum of Law, Defendants’ Concise Statement of Material Facts, the Declaration of Dennis M. Healy and its accompanying exhibits, and the pleadings on file in this case.

DATED: April 16, 2010.

BULLIVANT HOUSER BAILEY PC

By: /s/ Michael M. Ratoza

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